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SUBJECT: ST. PETERSBURG HR OMBUDSMAN - NOT YOUR EVERYDAY OMBUDSMAN

REF: ST. PETERSBURG 69 , ST. PETERSBURG 189

¶1. (SBU) Summary. In a February 10 meeting with the Consul General, the St. Petersburg Human Rights Ombudsman Igor Mikhaylov expounded on his interpretation of human rights and political views. The discussion ranged over his view of the raid on Memorial's headquarters, migrant workers, the right of assembly, and the role individual rights should play versus the good of society. Theoretically, the St. Petersburg Human Rights Ombudsman should play an important role in the protection of human rights. In practice, however, Mikhaylov's views, goals, and priorities are not what one would expect from a Human Rights Ombudsman. End Summary.

¶2. (SBU) Mikhaylov was talkative, self-congratulatory, and evidently proud of his achievements, enumerating his having learned, without any formal study, several foreign languages as well as his working with juvenile delinquents to teach them proper gun handling and shooting techniques.

¶3. (SBU) Igor Mikhaylov was elected the St. Petersburg Human Rights Ombudsman in July 2007 by the St. Petersburg Legislative Assembly. Unlike Federal Ombudsmen, the St. Petersburg Ombudsman has no mandate to request information on court trials on his own, but rather must typically only respond to complaints received from individuals or organizations. His office receives about 30 written complaints per week, of which half are usually dismissed as irrelevant. About 60 percent of the complaints are regarding abuses by the court system and police. Most of the remaining 40 percent are regarding housing problems. The St. Petersburg Ombudsman has 25 staff members in his office.

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The Human Rights Ombudsman vs. The Human Rights NGO Community
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¶4. (SBU) The St. Petersburg human rights community was strongly opposed to Mikhaylov's candidacy for the Ombudsman post, since during his terms as a Legislative Assembly Deputy he had been well known for his very strong support of governmental policies and his general disdain for accusations of violations of human rights. Human Rights activists have continued to ignore Mikhaylov following his election, stating that cooperation with him is unproductive. This unofficial policy has been most recently reconfirmed by the NGO Memorial's decision to not officially complain to him about their ongoing difficulties with the government since the raid on their St. Petersburg headquarters in December 2008.

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Memorial: A Troublemaking Organization Which Happened to Win its Court Case
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¶5. (SBU) The Consul General thanked Ombudsman for his response to our letter expressing our concern over the raid on Memorial. Mikhaylov stated he had not yet received an official response from the St. Petersburg Ministry of Internal Affairs to his inquiry, but that he would forward it to the Consulate as soon as he gets it. Unofficially, he believes, however, that although the search was done with procedural violations, it was a justified action because the ongoing Andreyev/Novy Petersburg case investigation at the time was at risk of losing important

material evidence. He said it was important to conduct the search as quickly as possible because Andreyev's case was one of national security, and that the investigation had to be done in order to prevent a catastrophe similar to that of September 11 in the United States. (Note: This line is the same as was given by the Russian government to the European Court of Justice in response to Memorial's complaint). Mikhaylov also stated the investigators had found what they were looking for. He accepted that the court ruling which required all materials be returned to Memorial had to be obeyed, despite the ultimate legitimacy of the government's search and seizure. The Ombudsman then assured us that Memorial has already received everything back. We found this to be a confusing statement since our other sources have confirmed to us Memorial has not received anything back thus far. Mikhaylov then opined that although the Prosecutor's Office is now appealing the case, it is unlikely to succeed because the court did rule that the investigators had violated the law when conducting the search. Mikhaylov's opinion was that the Prosecutor's Office appealed the case only as a face-saving measure.

16. (SBU) Mikhaylov was in general critical of Memorial, stating that in his view it is wrong for an organization to be constantly dwelling on the past and making people feel guilty for things that happened in the past. He stated that throughout Russian history there have been repressions, and that thus the communist repressions, including those committed under Stalin, needed to be understood within that context, and not specifically singled out for criticism.

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Immigrants Can Be Emigrants, Too
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17. (SBU) Official statistics have it that there are around 200,000 immigrants living in St. Petersburg - the actual number is higher. The Ombudsman expressed his concern about growing unemployment among migrants, which he stated will lead to more of them turning to crime. He noted that over one quarter of all sexual crimes in Russia are committed by non-Russian citizens. He elaborated on the fact that Central Asian residents of the former Soviet republics had always been used in the Soviet Union as unskilled labor force, since they have no education nor aptitude for any other type of work, and that this situation has continued on into modern-day Russia,. In anticipation of tensions caused by rising immigrant unemployment, the Ombudsman is working with the Red Cross on creating a legal support center wherein even non-Russian speakers will be able to receive free consultation services. At the same time, Mikhaylov is cooperating with Muslim community leaders in order to form a center for migrant repatriation to their homelands on a voluntary basis.

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People Have a the Right of Assembly, Where the Government Says They Do
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18. (SBU) To our query regarding his views on the people's right to publically express their views, Mikhaylov responded with a hypothetical example. He stated that demonstrations by a handful of unhappy people which blocked central city streets was unfair to, and could even be considered a violation of the rights of, other people who drive around the city doing their errands. So, the demonstrations should be held in locations where their disruption of everyday life would be minimized. The government, of course, is best placed to make decisions as to what would or would not be disruptive to the majority of the citizenry, and thus had the responsibility to control demonstrations run amok. However, Mikhaylov did underscore that the right to protest needed to be protected, and that the best ultimate solution would be to designate five or so special sites in relatively central locations, wherein protests could proceed unhindered. Unfortunately, he said, St. Petersburg cannot pass such a law designating appropriate spots, as that would violate federal legislation.

Individual Human Rights Violations: OK if in Society's Interest
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¶9. (SBU) Ombudsman Mikhaylov shared his views on the relationship between law enforcement and youth culture and minority groups by describing two recent incidents. The first was the use of government pressure in November 2008 which prevented a gay and lesbian film festival, and the second was a February 7 raid on a youth music club. In both cases, the Ombudsman explained, government and law enforcement had imposed limitations and reduced the freedom of a small number of individuals in order to defend the interests and safety of society at large. In the first case, he stated gay activists did not need to have an entire week of film shows since all the films were publicly available anyway. So, he said, having this festival was just an attempt by homosexuals to aggressively advertise their sexual viewpoint which is unacceptable to the general public. In the second case, the law enforcement raid on the night club was justified because there was reason to suspect that many of the fans of the main music group were members of neo-Nazi organizations.

¶10. (SBU) Comment. Our meeting with Mikhaylov was reminiscent of the Soviet era, wherein responses to questions consisted of formulaic and almost canned answers. We are sympathetic to the views of the local Human Rights community that it is difficult to deal with a man who believes one of the major ongoing human rights violations in the city is the inability of the people to have access to all the accumulated artworks of the Hermitage and who does not agree with Memorial's goal of fully exposing the repressions of the communist era. We will continue to engage him, but do not expect any serious dialogue with him on real human rights issues. We hope to be proven wrong.

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